

2005-19

>>> "Jan Stern" <janstern@hotmail.com> 10/12/2006 1:28 PM >>>
Comments regarding proposed jury reform - ADM File 2005-19

I am writing to express my opposition to the proposed change allowing "written summaries" of depositions to be read at trial rather than the entire deposition. The integrity of the deposition content must be preserved. Interpretation of the deposition testimony is properly left to the jurors --- not the litigants. While the entire deposition may be cumbersome, summaries of the testimony require interpretation by the person doing the summation. A better practice would be to provide excerpts of the deposition as agreed by the parties.

Courtroom proceedings require structure to maintain order and civility. The proposed changes to allow panel "discussions" by experts lends itself to a free-for-all and popularity contest. When being challenged by a peer, the intellectual tend to become more technical. I do not believe that this process would assist the juror in understanding a complex subject for which an expert witness is needed. Instead, I envision a forum for the experts to strut their knowledge and impress one another.

I also have concern if parties are allowed to present interim commentary. The questioning of witnesses is an art form that permits the telling of the parties' position (through supporting evidence). If you cannot tell your story clearly with the presentation of evidence, then how can you provide interim commentary that is supported by evidence?

Thank you for the opportunity to comment on these important proposals.

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